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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,100	03/06/2002	Robert S. Robinson	ROBI-22US	8012

26875 7590 07/29/2003

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EXAMINER

NICOLAS, FREDERICK C

ART UNIT PAPER NUMBER

3754

DATE MAILED: 07/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,100

Applicant(s)

ROBINSON, ROBERT S.

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-43 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-19 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 6-9, 20-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5,19,31 are rejected under 35 U.S.C. 102(b) as being anticipated by Keppers et al. 6,017,163.

Keppers et al. discloses a wheeled receptacle for applying a liquid to a surface on which the wheeled receptacle is supported as seen in Figure 1, which comprises a circumferential sidewall 15a, a bottom wall 12 connected to the circumferential sidewall, at least two wheels d1a and 21b, a steering handle 11 for guiding the wheeled receptacle on the surface, a spigot 32 through which a liquid may flow onto a surface, a selectively-adjustable valve 35, a spigot handle 41 is connected to the spigot, the spigot handle being elongated and extending upward from the spigot as seen in Figure 2, a third wheel 21c, at least one of the wheels being a non-caster wheel and at least another of the wheels being a caster wheel as seen in Figure 1, a floor tool as seen in Figure 2, the floor tool has a floor-contacting member 33 and a floor-tool handle 31 is connected to the floor-contacting member.

The wheeled receptacle shown by Keppers et al. will perform the method recited in claims 1-5, during normal operational use of the receptacle.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keppers et al. 6,017,163.

Keppers et al. has all the features of the claimed invention except that the step of determining, prior to the guiding step, a path for the wheeled receptacle to take across the surface, the path determining the selected area of the surface.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art merely dependent upon the user desired path surface for the wheeled receptacle or the most affected path surface that the wheeled receptacle will be most effective on.

As to claim 11, the limitation the path is an inverted substantially-U-shaped path, as viewed from above the surface and the path having a first leg-portion and a second leg-portion connected by a base portion.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art to provide an inverted substantially-U-shaped path as such, in order to provide better control over the selected path.

Further, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to change the shape of the path to a U-shaped path as claimed, since it has been held that a change in the shape of the element involves only routine skill in the art. As per MPEP 2144.04IV.

As to claim 14, the limitation that the spreading step including moving the floor-contacting member in a serpentine pattern via the floor-tool handle.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art to move the floor-contacting member in a serpentine pattern via the floor-tool handle as such, in order to provide a faster and more efficient pattern of covering a selected path.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keppers et al. 6,017,163 in view of Biggs et al.

Keppers et al. has all the features of the claimed invention except that the floor tool handle includes a bend. Biggs teaches the use of providing a floor-tool handle having a bend 34.

It would have been obvious to one having ordinary skill in the art at the time the invention was to utilize Biggs' teaching onto the floor-tool handle of Keppers et al. as such, in order to have the person doing the mopping can guide the mop in a wide sweep covering a greater area than is possible with a customary mop and handle, and with very little effort and none of the injury producing effects of the use of a normal mop, as taught by Biggs (col. 3, ll. 9-19).

6. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keppers et al. 6,017,163 in view of Robinson 6,206,980.

Keppers et al. has all the features of the claimed invention except that the wheeled receptacle includes a fourth wheel. Robinson teaches the use of a wheeled receptacle having four wheels.

It would have been obvious to one having ordinary skill in the art to utilize Robinson's teaching onto the receptacle of Keppers et al. by providing wheel 32 at the bottom/base 12 of the receptacle as such, in order to enable a single person to move the receptacle from one location to another with ease, as taught by Robinson (col. 5, ll. 42-45).

Allowable Subject Matter

7. Claims 35-43 are allowed.

8. Claims 6-9,20-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cavalheiro 6,487,747, Ueno et al. 5,813,086, Cote et al. 4,471,713, London 5,947,346, Springall 5,366,309, Marlek 4,638,948, Hothersall 2,322,808, Johnson 929,597, Smith 1,036,922, Bailey 3,399,903, Janoski et al. 5,254,167, Hoce 5,846,334, Niemeyer 6,053,354 and Hardesty et al. disclose other types of wheeled receptacle.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L. Gene, can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0861.

FN
July 25, 2003

 7/25/03


Gene Mancene
Supervisory Patent Examiner
Group 3754